



AIR TRANSPORT ASSOCIATION

February 19, 2003

Mr. Nicholas Sabatini
Associate Administrator for Regulation and Certification, AVR-1
FEDERAL AVIATION ADMINISTRATION
800 Independence Ave, SW
Washington, DC 20591

Reference: Docket Number FAA-2002-12461, FAR Part 60, Flight Simulation Device Initial and Continuing Qualification and Use, Notice of Proposed Rulemaking (NPRM)

Dear Mr. Sabatini:

Nick:

Member airlines of the Air Transport Association of America, Inc. (ATA) fundamentally support the Federal Aviation Administration (FAA) efforts to establish a new, separate rule for the initial and continuing qualification of Flight Simulation Devices (FSD). Industry review of the Notice of Proposed Rulemaking (the NPRM) published in the Federal Register on September 25, 2002 has been coordinated through ATA's Training Committee and the Simulator Technical Issues Group (STIG). The STIG was formed in 1992 as a forum for resolving simulator issues with representation from all interested parties, including manufacturers, vendors, operators and regulators.

We write to request the immediate withdrawal of the NPRM and the formation of an industry-government advisory committee to develop a new proposed rule. Our review has revealed fundamental and significant policy and implementation problems that warrant immediate consideration by FAA. In addition, the NPRM's cost analysis is based on questionable and/or incorrect assumptions. Finally, we believe that withdrawing the NPRM immediately rather than waiting for the close of the comment period would serve all interested parties and the public interest by conserving scarce government and private sector resources.

We believe that the technical nature of the issues associated with developing initial and continuing qualification requirements are well suited for this type of collaborative process. Further, the absence of a pressing safety issue makes this topic appropriate for an ARAC or ARC initiative.

In support of our request, we note the following:

- If published as currently written, the NPRM would eliminate the use of a significant number of simulators until they could be qualified or replaced. In turn, this would force some training back to aircraft operations, which FAA and industry agree is not the preferred training method because of safety and cost implications. Indeed, this result would increase implementation costs significantly.

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- The proposed rule ignores harmonization efforts between the FAA, the JAA, and the simulator industry. Considerable industry time and effort has been expended in assisting the FAA and the JAA to harmonize the standardization of qualification requirements for FSDs. As a result, Joint Aviation Regulation Synthetic Training Device (JAR STD) documents are in the process of being developed. The proposed FAR Part 60 rule should be withdrawn so that these harmonization efforts are incorporated.
- The FAA currently is revising Subparts N & O of FAR Part 121, which deal directly with crew training and the practical use of FSD. However, the NPRM overlaps and implicates training requirements, and thus it is impossible to determine the overall impacts of the NPRM until the training requirements of Subparts N & O are revised or clarified.
- The National Simulator Program office, or each responsible Training Program Approval Authority office, would have to be manned on a 24 hour/7 days per week basis to administer the proposed FAR Part 60 requirements in order to prevent unnecessary FSD downtime.
- The NPRM places a severe financial burden on U.S. airlines. Our analysis shows that the NPRM, if made final, would cost \$10 - \$12 million per year based on an average cost of \$18,000 per device per year for the 563 devices currently in inventory. By contrast, the NPRM estimates that the proposed rule will only cost the industry an additional \$74,010 per year. The NPRM's analysis fails to include important actual costs, such as additional manpower and the resources required to administer and operate simulators in conformance with the proposed rule. The cost of the NPRM is not justified by its benefits.

In addition to the points above, we have numerous technical concerns that have been submitted to the docket.

For these reasons, ATA recommends that the FAA immediately withdraw this NPRM. This would allow the FAA to immediately and openly engage with industry representatives, through an ARAC or ARC process, to develop an efficient, effective NPRM.

Thank you for your consideration.

Sincerely,



Albert H. Prest
Vice President Flight Operations
Air Transport Association

CC: Docket Management System, Reference: Docket Number FAA-2002-12461